

MONTGOMERY COUNTY, MARYLAND

CRIMINAL DIFFERENTIATED CASE MANAGEMENT PLAN

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OVERVIEW

Criminal Differentiated Case Management Plan for Montgomery County, Maryland

OBJECTIVES OF THE CRIMINAL DCM PROGRAM

The overall goal of Montgomery County's Criminal DCM Program is to develop a system in which Court supervision is implemented at an early stage in order to evaluate each criminal case at its inception. The objectives include:

- * realistic case assignment and scheduling of events, alleviating the need for excessive continuances;
- * expedited case disposition for incarcerated offenders;
- * judicial supervision consistent with the complexity of each case; and
- * efficient use of judicial system resources.

DESCRIPTION OF PROGRAM

Under the Montgomery County Criminal DCM Program, cases are assigned to one of five tracks according to the Court's standards and guidelines set for disposition and complexity of the case. Descriptions of the five tracks are set forth as follows:

TRACK 0

Information considered to have little or no discovery. An expedited Scheduling Order is given at the time of filing. This track was created for handgun charge cases, however, on rare occasions some theft or CDS cases may be considered. A **Rule 4-215** Hearing is scheduled three weeks following filing. A Pre-Trial Hearing is scheduled two weeks following the 4-215 hearing for the purpose of negotiation. If a plea cannot

be reached, a trial date is scheduled within ten days. Track 0 cases have a disposition time goal of 46 days.

TRACK 1 -- (THE 8:30 AM AND PRE-TRIAL DOCKET)

All Jury Demands and Appeals from the District Court. If a case is jury demanded on a Monday, Tuesday, Wednesday or Thursday, a Pre-Trial Hearing will be set on the third Friday following the jury demand. If a case is jury demanded on a Friday, a Pre-Trial Hearing will be scheduled for the second Friday following the jury demand. Appeals from the District Court are set for a Pre-Trial Hearing within four (4) weeks. If a final disposition is not reached at the Pre-Trial Hearing, a trial date will be scheduled within four (4) weeks. Track 1 cases have a disposition time goal of 14—57 days.

TRACK 2 – (ROUTINE INDICTMENTS AND INFORMATIONS WITH THE DEFENDANT LOCALLY INCARCERATED)

Track 2 provides for a **Rule 4-215** Hearing on an expedited basis the Friday following indictment or information filing. Track 2 cases include offenses from low to medium complexity. Examples: Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering, and Aggravated Assaults. Track 2 cases have a disposition time goal of 72 days from the filing of the indictment or information to trial.

TRACK 3 -- (ROUTINE TRACK WITH THE DEFENDANT ON BOND OR WRIT STATUS)

Track 3 cases include the same offenses as Track 2, low to medium complexity cases. The defendant is not incarcerated at the time of the indictment or information. Disposition time goal for Track 3 cases is 86 - 116 days from the filing of the indictment or information to trial.

PLEAS (Track 2 & 3)

The defendant may plea guilty and be sentenced before the randomly assigned plea judge. It is the Administrative Judge's policy that all pleas should be heard and disposed of prior to the originally scheduled trial date. The defendant may plea before the status conference judge with the permission of the assigned plea judge. The sentencing date will be set before the plea judge. To set a plea date before the assigned plea judge on a later date, plea dates will be available at the Status Conference from the Assignment Office. Plea agreements must be filed as soon as possible to confirm the date given in the courtroom. After the status conference, guilty pleas will be taken ONLY by the assigned plea judge.

Plea agreements may now be filed by the State's Attorney's Office prior to the indictment being filed. The State's Attorney will contact the Assignment Office, prior to the filing of the case, to ascertain what judges will be sitting in the criminal rotation when the Information and plea agreement are filed. The State's Attorney will choose one of the available judges and then contact that judge's chambers to confirm a date within 30 days for the plea to be scheduled. The plea agreement shall be attached to the

Information and filed with the Criminal Clerk's Office. A copy of the plea agreement is to be delivered to the Assignment Office. The plea agreement must state that it is a PRE-INDICTMENT PLEA.

Per Judge Weinstein, effective September 13, 1999, the plea judge availability will be as follows: When one judge receives five (5) pre-indictment pleas, they are no longer available until the two (2) remaining judges in that rotation receive five (5) each. When all three judges have five (5) pre-indictment pleas, the process will start over again.

STATUS CONFERENCES (Track 2 & 3)

Status conferences will be handled by the Administrative Judge. Pending motions will be scheduled on Friday at 9:30 AM before one of the three (3) criminal judges. If the case goes to trial, it will be assigned to any of the three (3) judges handling criminal cases.

In an effort to assure greater trial scheduling certainty, which is one of the aims of the program, the court will hold status conferences on Thursdays and Fridays. The conferences occur four (4) weeks prior to the scheduled trial date. These status conferences provide an opportunity to resolve discovery disputes, dispose of the case by way of plea, and to determine whether multiple cases scheduled on the court's calendar will go to trial.

TRACK 4 -- (COMPLEX CASES)

The defendant may or may not be incarcerated. Offenses include Homicide, Rape, First and Second Degree Sex Offenses, Child Abuse, Major Fraud, Arson, and DNA Cases. Track 4 cases are specially assigned to a judge on the day the indictment is

filed with the court. **All events** are to be handled by the assigned judge except for the **Rule 4-215** hearing. The disposition time goal for Track 4 cases is 107 - 127 days from the indictment or information to trial.

Track 4 cases have trial dates assigned as a guideline date for the cases to be disposed. It is necessary for trial dates to be set in criminal cases pursuant to Maryland **Rule 4-271(a)**. These dates should remain in effect. Any adjustment to the trial date shall follow the procedure outlined in the Memorandum from the Administrative Judge dated October 2, 2000 (attachment "U"). All 180-day continuances are to be heard by the Administrative Judge. **If the new trial date exceeds the assigned judge's rotation, the case will be reassigned to the next available judge sitting in criminal on the new date.**

When the assigned judge needs to alter dates on the scheduling order of Track 4 cases it is suggested that any dates that need to be rescheduled be completed on the scheduling/planning date. A strong effort should be made to stay within the track guidelines.

The assigned Track 4 judge will rule on Motions to Consolidate. Track 4 cases that are consolidated but were assigned to different plea judges are then reassigned to the judge assigned to the "older" of the consolidated cases.

If planning conferences or status conferences are held in chambers the final results **MUST** be put on the record. **All dates are to be cleared through the Assignment Office.**

GENERAL INFORMATION FOR ALL TRACKS

TRACK ASSIGNMENT

The track assignment is made prior to the filing of the indictment or information, and is based on the Case Tracking Sheet information provided to the Criminal Department to be filed. The track is designated by the State's Attorney's Office. The Administrative Judge retains the authority to make scheduling changes within a track, or to "re-track" a case to accommodate unforeseen complexities, or to simply correct the assignment.

JUDICIAL ASSIGNMENT

Criminal DCM went into effect with the filing of indictments and informations on January 8, 1993.

Three (3) judges are assigned to the criminal docket for a two-(2) month term. During this period criminal judges will not be assigned duty and motions. Specially assigned civil cases are to be handled as scheduled.

The plea judge for Tracks 2, 3, and 4 are randomly chosen from the three (3) criminal judges that are assigned criminal duty during the week that the trial dates are chosen when the indictment or information is filed.

When a judge assigned to criminal duty requests leave, their secretary must find a replacement. The Assignment Commissioner will be happy to assist in supplying information as to the availability of judges.

The three-(3) criminal judges will be assigned to hear indictment and information cases, and will be considered back-up judges for the 8:30 AM docket. If an overburden of the docket should occur, the judges sitting in criminal will fill-in for each other.

GUIDELINES FOR: RELATED CASES/CONTINUANCES/

CONSOLIDATIONS

Related cases are generally assigned the same plea judge. The plea judge may differ when one case(s) is filed one week, and the other case(s) is filed more than eight (8) weeks later.

ALL TRACK 0, 1, 2, AND 3 CONTINUANCES MUST BE RULED ON BY THE ADMINISTRATIVE JUDGE. (See Attachments T and U for procedure.) All Track 0, 1, 2, and 3 Consolidations are to be forwarded to the Administrative Aides for review. The Aides will determine if the Motion is opposed. If opposed, the Aides will return the file to the Assignment Office to schedule a hearing on the Criminal Motions docket. If the motion is unopposed, the Administrative Aides will forward the file to the Administrative Judge for ruling.

Status conferences for Tracks 2 and 3 may be reset one week by consent of the state's attorney and the defense attorney. A joint line must be filed with the Assignment Office as soon as possible.

PLEASE SEE EACH TRACK SECTION FOR MORE SPECIFIC INFORMATION.

CASE TRACKING INFORMATION (PAGE 1)

CASE TRACKING INFORMATION (PAGE 2)

CRIMINAL CASE TRACKING GUIDELINES

EVENT	TRACK 0 (Information/ No Discovery)	TRACK 1 8:30 AM & P/T Docket	TRACK 2 Routine - local Incarceration	TRACK 3 Routine - bond (Complex)	TRACK 4 3 days + (Complex)
	<i>DAY</i>	<i>DAY</i>	<i>DAY</i>	<i>DAY</i>	<i>DAY</i>
Jury Demand/Appeal		1			
Indictments/Information	1		1	1	1
4-215 Hearing	22		8	22	22
Pre-Trial	36	15			
Discovery Completed			22	36	
Scheduling/Planning Conf.					43
Motions, if Needed			57	71	92
Trial	46	57	72	86-116	107-127

CRIMINAL TRACK 0 -- INFORMATION

Requiring little or no discovery

Transportation of Handgun, Carrying Handgun, Theft Over \$300, CDS.

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DAY

1		INFORMATION
		Information sheet and scheduling order with summons. No plea judge is assigned.
22	21 days	RULE 4-215 HEARING
		Scheduled on Friday at 9:00 AM before the Administrative Judge.
36	14 days	PRE-TRIAL HEARING
		Pleas may be entered at this hearing. If no plea is entered the case will proceed to trial.
46	10 days	TRIAL DATE
		Case will be scheduled on the 8:30 AM Jury Demand/Appeal Docket on Monday, Tuesday, or Wednesday.

TRACK 0 -- CRIMINAL SCHEDULING ORDER

CRIMINAL TRACK 1 -- JURY DEMANDS

Cases that are jury demanded from the
District Courts in Rockville and Silver Spring

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DAY

1		JURY DEMAND These cases are scheduled according to the following schedule. If a case is jury demanded on a Monday, Tuesday, Wednesday or Thursday, a Pre-Trial Hearing will be scheduled for the third Friday following the jury demand. If the case is jury demanded on a Friday, the Pre-trial Hearing will be scheduled for the second Friday following the jury demand.
15	14 days	PRE-TRIAL HEARING At the pre-trial, the defendant may enter a plea before the Pre-trial Judge, or a trial date will be set within 4 weeks.
43	28 days	TRIAL DATE The defendant may plea before the assigned 8:30 AM Judge, or proceed to trial.

INSTANT JURY DEMAND FROM DISTRICT COURT -- ROCKVILLE

INSTANT JURY DEMAND FROM DISTRICT COURT -- SILVER SPRING

CRIMINAL TRACK 1 - APPEALS

Cases that have been appealed from the
District Courts in Rockville and Silver Spring

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DAY

1		APPEAL	District Court assigns the pre-trial date when the appeal's filed.
29	28 days	PRE-TRIAL HEARING	A plea may be entered by the defendant, or a trial date will be set within four (4) weeks.
57	28 days	TRIAL DATE	The trial will proceed on this date before the 8:30 AM Judge, or the defendant may enter a plea.

INSTRUCTIONS FOR DEFENDANTS WITH CASES APPEALED TO THE CIRCUIT COURT

CRIMINAL TRACK 2 - ROUTINE

Defendant is Locally Incarcerated

Aggravated Assaults, Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering

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DAY

1		INFORMATION / INDICTMENT
		Information sheet and scheduling order with trial date served with summons. Plea judge assigned.
8	7 days	4-215 HEARING
		Scheduled on Friday at 9:00 AM before the Administrative Judge.
22	14 days	DISCOVERY TO BE COMPLETED
		Line for non-compliance may be filed, as the State has agreed to provide discovery.
43	21 days	STATUS CONFERENCE/MOTIONS FILING DEADLINE
		Scheduled on Thursdays and Fridays at 8:30 AM. Pending motions, if any, are resolved or scheduled. Trial date is confirmed, or rescheduled. Pleas may be taken, or scheduled at the status conference.
		Motions are to be filed by the date indicated in order to set a firm motion's date at the status conference.

CRIMINAL TRACK 2 - ROUTINE (CONTINUED)

57	14 days	MOTIONS HEARING DATE
		The motions hearing date will not be in effect unless motions are filed, and the hearing date is confirmed at the status conference.

72	15 days	TRIAL DATE
		Case will proceed to trial.

When any trial date is full, the assignment will shift to the next available date.

TRACK 2 -- CRIMINAL SCHEDULING ORDER

CRIMINAL TRACK 3 - ROUTINE

Defendant is on Bond or Writ Status

Aggravated Assaults, Robbery, Burglary, Daytime Housebreaking, Storehousebreaking, CDS, Theft, Forgery, Uttering.

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DAY

1		INFORMATION / INDICTMENT
		Information sheet and scheduling order with trial date served with summons. Plea judge assigned.
22	21 days	4-215 HEARING
		Scheduled on Friday at 9:00 AM before the Administrative Judge.
36	14 days	DISCOVERY TO BE COMPLETED
		Line for non-compliance may be filed, as the State has agreed to provide discovery.
57	21 days	STATUS CONFERENCE/MOTIONS FILING DEADLINE
		Scheduled on Thursdays and Fridays at 8:30 AM. Pending motions, if any, are resolved or scheduled. Trial date is confirmed, or rescheduled. Pleas may be taken, or scheduled at the status conference.
		Motions are to be filed by the date indicated in order to set a firm motion's date at the status conference.

CRIMINAL TRACK 3 - ROUTINE (CONTINUED)

71	14 days	MOTIONS HEARING DATE
		The motions hearing date will not be in effect unless motions are filed, and the hearing date is confirmed at the status conference.

86 - 116	15 - 45 days	TRIAL DATE
		Case will proceed to trial.

When any trial date is full, the assignment will shift to the next available date.

TRACK 3 -- CRIMINAL SCHEDULING ORDER

CRIMINAL TRACK 4 - COMPLEX

Defendant may be on Bond, Writ Status, or Incarcerated

Homicide, Rape, First and Second Degree Sex Offenses, Child Abuse, Major Fraud, Consolidated, Arson, DNA Cases.

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DAY

1		INFORMATION / INDICTMENT
		Information sheet and scheduling order with trial date served with summons. Case is assigned to a judge.
22	21 days	RULE 4-215 HEARING
		Scheduled on Friday at 9:00 AM before the Administrative Judge.
43	21 days	SCHEDULING/PLANNING CONFERENCE
		Scheduled on Friday at 1:30 PM. Approve discovery schedule, cut-off date for discovery, motions cut-off deadline, resolve preliminary motions if possible, confirm estimated trial time, and determine if there are any companion or consolidated cases.
92	49 days	STATUS CONFERENCE
		Scheduled on Friday at 1:30 PM. Guilty pleas should be taken, motions scheduled, firm the estimated trial time, confirm whether trial will be jury or non-jury, or set a new trial date if needed.
102	10 days	MOTIONS HEARING DATE
		The motions hearing date will not be in effect unless motions are filed, and the hearing date is confirmed at the status conference.

CRIMINAL TRACK 4 - COMPLEX (CONTINUED)

107 - 127 5 - 25 days TRIAL DATE

Case will proceed to trial.

When any trial date is full, the assignment will shift to the next available date.

TRACK 4 -- CRIMINAL SCHEDULING ORDER